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10/077,667	02/15/2002	Allon G. Engلمان	47079-0127	2996

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EXAMINER

MENDOZA, ROBERT J

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 09/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/077,667

Applicant(s)

ENGLMAN, ALLON G.

Examiner

Robert J Mendoza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 6/20/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18, 20-22 and 25-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-22 is/are allowed.
- 6) ☐ Claim(s) 1-18 and 25-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

**Claims 1-17, 23 and 25-42 are rejected under 35 U.S.C. 102(a) as being anticipated by Yoseloff et al. (USPN 6,311,976).**

Reagrding claims 1-7 and 25-31, Yoseloff discloses, in col. 7:37-50 & col. 14:13-37, a gaming system for conducting a game of chance (slots) comprising means for receiving a single wager from a player to purchase a series of plays of a basic portion of the game, means for providing the player with the series of plays, means for randomly generating at least one outcome for each play and means for providing an accumulation feature that accumulates an element of the game over a plurality of the plays in the series. The Applicant's claim language of "**comprising** receiving a single wager from a player to purchase a series of plays" does not differ from Yoseloff's invention where a player continues places a wager to purchase a series of basic portion of a game. Yoseloff discloses, in col. 7:37-64, col. 25-32 & col. 11:23-37, the plurality of possible outcomes including a plurality of winning outcomes defined by a pay table, the winning outcomes in the pay table being directly associated with respective non-credit-based awards. Yoseloff discloses, in col. 7:37-39, the game includes slots. Yoseloff discloses, in col. 7:41-67 & col. 8:1-6, the accumulation feature is triggered by a special outcome in the basic portion. Yoseloff discloses, in col. 12:7-12, the accumulated element is a credit amount on a meter.

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Yoseloff illustrates, in FIGS. 1-4 discloses, in col. 7:41-64, col. 11:66-67 & col. 12:1-36, the accumulated element is a collected object further including a triggering a bonus in response collection of a predetermined number of the object during the series of games.

Regarding claims 8-17 and 32-42, Yoseloff discloses, in col. 11:10-12, the accumulation feature is reset to include no accumulated elements prior to each purchase series of plays.

Yoseloff discloses, in col. 7:37-67 & col. 8:1-7 the game includes a basic portion and a bonus feature triggered by a special outcome in the basic portion, the at least one random event being associated with the basic portion and with the bonus game. Yoseloff discloses, in col. 8:23-36 each play includes at least one random event that is interdependent of one or more other plays in the series. Yoseloff discloses, in col. 7:37-48, the predetermined event corresponds to collection a predetermined number of the element. Yoseloff discloses, in FIG. 3, col. 7:37-64 & col. 10:42-57, the predetermined event corresponds to a certain position of the element on a trail, ladder or meter. Yoseloff discloses, in col. 13:45-57, providing an award to the player if the outcome is a winning outcome and the game includes a slot game having a plurality of symbol-bearing reels that, during each play in the series, are spun and stopped to place symbols on the reels in visual associated with a display area. Yoseloff discloses, col. 8:10-15, the non-credit based awards include a number of free plays. Yoseloff discloses, in col. 9:25-32, the non-credited based awards include a number of collected symbols.

#### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

**Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoseloff in view of Duhamel (USPN 6,311,976).**

The disclosure of Yoseloff has been discussed above and is, therefore, incorporated herein. However, Yoseloff lacks in disclosing a draw poker game. Duhamel, in an analogous gaming system, teaches, in FIGS. 2-9, col. 5:47-67 & col. 6:1-37, a draw poker game and poker hand rankings. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Duhamel into the disclosed invention of Yoseloff, since one would be motivated to combine the teachings of Duhamel with the disclosure of Yoseloff in order to diversify the types of games offered by the gaming machine and increase the overall excitement of the game.

#### **Response to Arguments**

Applicant's arguments filed 07/14/03 have been fully considered but they are not persuasive. The Applicant argues that Yoseloff and Duhamel **do not disclose receiving a single wager from a player to purchase a series of plays of a basic portion of the game.** The Examiner respectfully disagrees. The claimed invention, as amended, fails to preclude Yoseloff due to the breadth of language including "comprising" permitting iterative, successive single wagers to enable a series of plays.

The Applicant argues that Yoseloff and Duhamel **do not disclose randomly generating at least one outcome for each play.** The Examiner respectfully disagrees. Yoseloff discloses, in col. 7:39-41, displaying a plurality of randomly selected game symbols on a display, each symbol appearing in a designated symbol position. Yoseloff is clearly disclosing that game

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symbols are randomly positioned on the display to ultimately generate a winning or losing outcome. Therefore, Yoseloff does anticipate **randomly generating at least one outcome for each play.**

The Applicant argues that Yoseloff and Duhamel **do not disclose providing an accumulation feature that accumulates an element of the game over a plurality of plays in the series.** The Examiner respectfully disagrees. Yoseloff discloses, in col. 8:10-45, the feature of accruing non-monetary credits during successive games. Once the non-monetary credits have reached a predetermined amount, the player is then rewarded with a bonus. Yoseloff clearly anticipates providing an accumulation feature that accumulates an element of the game over a plurality of plays in the series.

#### **Allowable Subject Matter**

Claims 20, 21 and 22 are allowed.

#### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to game controllers:


**USPN 6,012,983 Walker discloses a single wager for a series of plays.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Mendoza whose telephone number is (703) 305-7345. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg, can be reached at (703) 308-1327.

RM

RM  
September 11, 2003

  
Teresa Walberg  
Supervisory Patent Examiner  
Group 3700